

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIN KWOK KEUNG,

CASE NO: 1:22-cv-4466-LGS

Plaintiff,

vs.

**JOINT STATUS LETTER PURSUANT
TO SCHEDULING ORDER D.E. 30**

MAYS BEAUTY SALON & SPA INC.,
a New York corporation, d/b/a MAYS
BEAUTY SALON & SPA, and HUNG
KANG INC., a New York corporation,

Defendants.

_____/

Dear Hon. Judge Schofield,

This letter is jointly submitted by the parties pursuant to the Case Management and Scheduling Order D.E. 30.

(A) Discovery that has taken place, specifically:

(1) What discovery requests have been propounded, who propounded each request and on what date,

Plaintiff has served its Rule 26 Initial Disclosures and has propounded Plaintiff's Interrogatories and Request for Production on January 16, 2023. Plaintiff noticed the Deposition of the Defendant for February 7, 2023.

Defendant's counsel has agreed to respond to Plaintiff's Interrogatories and Production Requests by February 15, 2023, as per the deadline in the Court's scheduling order.

Defendant noticed the Deposition of Plaintiff for February 28, 2023.

Per the conferral of the parties' counsel on February 1, 2023, it has been agreed that the deposition of the Defendant shall take place on February 28, 2023, and that the deposition of the Plaintiff shall take place the following day on March 1, 2023, via Zoom. (Defendant has requested that the deposition of the parties take place on a single day – on February 28, 2023. Plaintiff's counsel disagrees and cites to FRCP Rule 30(d), which permits up to seven hours deposition time, and therefore preferred the above consecutive depositions dates, which will take place via Zoom. Defendant's counsel responded that he could see no way that Defendant's deposition could take seven hours. Defendant requests that the Court place a time limit of no more than four hours to take Defendant's deposition, and that the Deposition of Plaintiff be held on the same day as

Defendant – February 28, 2023. Absent the order of the Court, Defendant is available to take the Deposition of Plaintiff on March 1, 2023. Plaintiff's counsel asserts a right to conduct this single noticed deposition in accordance with FRCP Rule 30(d), up to the seven hour time limit, as there are several ADA violations, relevant financial issues necessary to determine the readily-achievable standard, and past and current architectural remediations to be covered during said deposition. Defendant disagrees with the necessity of seven hours to take the deposition of the owner of a hair salon in a small tenement building on the lower East Side of Manhattan).

(2) What responses were made, who made each response and on what date,

To date, no responses have been made. Defendant's counsel has agreed to respond to Plaintiff's Interrogatories and Production Requests by February 15, 2023.

(3) The volume of documents produced, who produced the documents and when;

None to date, Defendant's counsel has agreed to respond to Plaintiff's Interrogatories and Production Requests by February 15, 2023. Defendant pursuant to FRCP 30 and 34, requested that certain documents be produced at Plaintiff's deposition and attached the list to the Notice of Deposition. Defendant expects these documents to be produced at Plaintiff's deposition. Defendant has not propounded the aforementioned in formal Interrogatories and/or Production Requests to Plaintiff, and Plaintiff reserves his right to object to any irrelevant requests and/or those protected by attorney-client privilege. Defendant Requests that Plaintiff submit any objections to Defendant's counsel in writing so a ruling can be obtained from the Court in advance of the February 28, 2023 deposition.

(B) Procedural history of the case to date, specifically:

(1) What pleadings have been filed, who filed each pleading and on what date,

Plaintiff filed his Complaint [D.E. 1] on May 31, 2022. Plaintiff subsequently filed an Amended Complaint [D.E. 35] on December 7, 2022. Defendant has filed a Motion to Dismiss [D.E. 47] on January 20, 2023.

(2) What motions, if any, have been filed, who filed each motion and on what date each motion was filed,

Plaintiff's Letter Motion to Adjourn Conference was filed on 7/20/2022.

Plaintiff's Letter Motion to Adjourn Conference was filed on 8/27/2022.

Plaintiff's Letter Motion to Adjourn Conference was filed on 10/03/2022.

Plaintiff's Letter Motion for Extension of Time to file Case Management Plan and Joint Letter was filed on 11/26/2022.

Defendant's Pre-Motion letter re. Motion to Dismiss the Complaint was filed on 11/29/2022.

Plaintiff's Letter Motion for Leave to File Amended Complaint and Response to DE 26 was filed on 12/06/2022.

Defendant's Pre-Motion letter re. Motion to Dismiss the Complaint - and Plaintiff's Response thereto was filed on 12/07/2022.

Plaintiff's Letter Motion for Extension of Time to Respond to Defendant's 2nd Defendant's Letter re Motion to Dismiss was filed on 12/13/2022.

Defendant's Letter Motion for Extension of Time to File Answer re: Set/Reset Deadlines was filed on 12/20/2022.

Plaintiff's Letter Motion for Extension of Time to Respond to Defendant's 2nd Letter re Motion to Dismiss was filed on 12/27/2022.

Defendant's Motion to Dismiss was filed on 1/20/2023.

Plaintiff's Letter Motion for Extension of Time to file Opposition Memorandum to Defendant's Plaintiff's Motion to Dismiss was filed on 1/26/2023.

Plaintiff's Letter Motion for Extension of Time to file Joint Status Letter was filed on 1/30/23.

(3) What motions, if any, are currently pending and, for each pending motion, the date it was or is scheduled to be fully briefed; and

The Motion to Dismiss [D.E. 47] is still pending, and Plaintiff shall file his opposition response by February 10, 2023, and Defendant's reply is due on February 17, 2023.

(C) The parties' plans to ensure that they meet the Court ordered discovery deadlines.

Counsel for the parties have recently conferred on February 1, 2023, and coordinated the aforementioned pending discovery, and shall continue to confer and coordinate in the future.

Respectfully submitted,

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